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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Thirteenth session
17 January-4 February 1994

ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Draft report

Rapporteur: Ms. Teresita QUINTOS-DELES (Philippines)

Addendum

III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Federal Republic of Yugoslavia (Serbia and Montenegro)

1. The Committee considered the report of the Federal Republic of Yugoslavia (Serbia and Montenegro) (CEDAW/C/YUG/SP.1) at its 254th meeting, on 2 February 1994.

2. In her opening remarks, the Chairperson of the Committee recalled that at its twelfth session, in 1993, the Committee had decided inter alia that it should, pursuant to article 18 of the Convention, request that States of the territory of the former Yugoslavia to submit a report or reports on an exceptional basis and that such a report or reports should be considered at the next meeting. In addition, the Committee put on record its commitment to look into similar grave violations of rights being experienced by women in any part of the world (A/48/38, para. 2).

3. She also stated that in accordance with the practice of other human rights treaty bodies, the Committee, deeply concerned about recent and current events in the territory of the former Yugoslavia affecting the human rights of women protected under the Convention, having noted that all the women within the territory of the former Yugoslavia were entitled to the guarantees of the

Convention, finding that the new States within the boundaries of the former Yugoslavia had succeeded to the obligations of the former Yugoslavia under the Convention, and acting under article 18 of the Convention, had requested certain States within the territory of the former Yugoslavia, in particular Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to submit reports on an exceptional basis within the mandate given by the Committee at its previous session. 1/

4. In introducing the report, the representative of the Federal Republic of Yugoslavia (Serbia and Montenegro) described the consequences of the disintegration of the Socialist Federal Republic of Yugoslavia, the civil war in Bosnia and Herzegovina which had caused a flow of refugees to her country and the blockade unjustly imposed on her country by the international community, in particular as a result of the sanctions introduced by the Security Council in its resolutions 757 (1992) of 30 May 1992, 787 (1992) of 16 November 1992 and 820 (1993) of 17 April 1993. She also referred to the numerous interventions by various humanitarian organizations and individuals to provide humanitarian aid and to draw the attention of the world to the devastating consequences of the sanctions for the national economy, social infrastructures and the entire civil population, in particular women and the vulnerable groups.

5. Living standards had fallen dramatically. National health services lacked basic medical supplies and infrastructures and the supply of imported medicines and other needed goods was blocked or obstructed by the embargo. Mortality had increased, in particular among young children and the elderly, as had the death rate of infants and people suffering from chronic disease. The problem of AIDS had become pressing owing to a shortage of diagnostic tests. Women were affected by the shortage of contraceptives, anaesthetics used for abortions and basic hygienic items. The number of miscarriages and deliveries at home had increased, as had the death rate of live born infants and mortality during delivery of mothers and babies. Stress, fear of the future and separation of families often caused psychiatric problems. Violence, alcoholism and various forms of sexual abuse had increased. Various forms of violence against women and sexual harassment had been addressed through non-governmental activities, including SOS telephones, and by the Government, which considered rape and the abuse of women and children as crimes that should be condemned in the strongest terms wherever they occurred and that those responsible, whoever they were, should be punished.

6. The representative also referred to the issue of abuses of women in war zones and pointed to her Government's position that such crimes were contrary to the international humanitarian law. For those reasons, the Government had cooperated actively with the Commission of Experts established pursuant to Security Council resolution 780 (1992) of 6 October 1992, investigating facts and collecting data about women who had been victims of rape and had come to Yugoslavia as refugees, with the intention of physical and mental rehabilitation of those victims. The Government had also established State bodies to investigate all such allegations, collect data and monitor the rehabilitation of victims of sexual abuse committed in war areas and had sheltered them as refugees in the Federal Republic of Yugoslavia. Some parts of the collected evidence had already been presented to the Commission of Experts and had been circulated as documents of the General Assembly and of the Security Council.

For example, the Commission for monitoring the sexual abuse of women, children and men in conditions of war, composed of medical experts and psychologists, was set up in the Federal Ministry of Labour, Health and Social Policy. Although the Commission did not discriminate in terms of nationality, the majority of victims were Serbian female refugees from Croatia and Bosnia and Herzegovina. Some of those women had already been successfully reintegrated in society, as had, for example, young women who had given birth as a result of rape in Muslim- and Croat-run camps and brothels. Other medical and expert sources revealed that many Serb women had been victims of persecution, sexual torture and rape in various camps for Serbs. Some, however, after hospitalization withdrew their statements and were not included in any evidence. All who had become pregnant as a result of rape had received the necessary assistance. Most of them did not want to talk and wanted to forget everything that had happened to them. Only those who had come to have an abortion after a few months of pregnancy and had been required to have an examination and to obtain the approval of the special medical commission, had revealed what had really happened to them. A considerable number of women who had been raped in Bosnia and Herzegovina, however, with pregnancies of less than 10 weeks, had had abortions without waiting for the Commission's approval and had concealed the fact that they had been raped. Such behaviour only confirmed her country's claim that, in its culture, a woman would admit that she had been raped only if she had to. Rape was so traumatic that it often caused suicidal tendencies. Instead of counting the number of raped women, trying to prove which side had suffered more hardship, doubling their testimonies and using them for political manipulation, it would be better to assist raped women and reintegrate them in society.

1. General observations

7. Members of the Committee thanked the representative of the Federal Republic of Yugoslavia (Serbia and Montenegro) for presenting the additional oral report, which was more in compliance with the request made by the Committee at its twelfth session that the States of the former Yugoslavia submit a report or reports on an exceptional basis in view of the Committee's deep concern about recent and current events in the territory of the former Yugoslavia affecting the human rights of women protected under Convention, than the written report was. The written report, contained in document CEDAW/C/YUG/SP.1 of 10 December 1993, which had been previously submitted to the Secretariat, did not meet those requirements, as it was more like a periodic report and did not address the situation of women with regard to the prevailing armed conflict and various forms of violence against women. It was emphasized by some that such a report on an exceptional basis should provide more information on the specific situation of women owing to the state of war. The experts expressed their grave concern over the situation of women in the Federal Republic of Yugoslavia (Serbia and Montenegro), who had been affected by increasingly difficult living conditions, inflation, unemployment, increasing violence in daily life and collapsing social and health services. They expressed their solidarity with all women of the Federal Republic of Yugoslavia (Serbia and Montenegro) and other States of the territory of the former Yugoslavia. They appealed to the wisdom and solidarity of women in the Federal Republic of Yugoslavia (Serbia and Montenegro) to put an end to the war to exercise the force of right and to exert all possible pressure on men at the decision-making levels, in the military and

in peace negotiations, to stop the destruction, to stop using women as tools of war and to achieve peace.

8. The view was expressed that, as in any armed conflict, women and children were the primary victims.

9. In response to those observations, the representative of the Federal Republic of Yugoslavia (Serbia and Montenegro) stated that the main emphasis had been put on regular reporting because her country had not been party to the war in Bosnia and Herzegovina. It had nothing to do with the civil war in Bosnia and Herzegovina between the Bosnian Serbs, the Bosnian Muslims and the Bosnian Croats. The last soldier of the former Yugoslav People's Army had left the territory of Bosnia and Herzegovina on 19 May 1992, so the Federal Republic of Yugoslavia could not be responsible for the ongoing violations of human rights in Bosnia and Herzegovina. Thus, she was not in the position to report on human rights violations in Bosnia and Herzegovina. The Federal Republic of Yugoslavia was doing its utmost and playing a very constructive role within the ongoing Geneva peace negotiations.

2. Questions of experts

10. The reference was made to the fact that despite all diplomatic initiatives, and its internationalization, the conflict kept developing, with all its outrageous consequences for women and children. It was asked whether women had the political will and strength to stop further fighting, organize themselves for peace at all levels and struggle together, independent of ethnicity, nationality or religion, for a just and peaceful future for the country and for its reconstruction. The explanation was also sought as to the role of non-governmental organizations in the search for peace and the participation of women in the peace negotiations, reconstruction of the country and its future decision-making bodies.

11. The representative answered that in the Federal Republic of Yugoslavia (Serbia and Montenegro) women supported the Government's policy related to Bosnia and Herzegovina which was the policy of peace. Together with men in the Federal Republic of Yugoslavia, they sought a peaceful solution to the war in Bosnia and Herzegovina. Non-governmental organizations in the Federal Republic of Yugoslavia had made some attempts towards peace, but had not succeeded up to now.

12. The experts commented on various negative consequences of the sanctions described in the report and pointed to their damaging effects, especially for women, in particular with regard to employment, health care, housing, nutrition, pensions, maternity, child care, daily violence, sexual abuse and the disintegration of the family. While reiterating concern that all sanctions affect the most vulnerable social groups and not the Governments, reference was made to the lack of explanation in the report as to why the embargo had been imposed, and to the linkage between the gross violations of human rights, including rape and other forms of violence against women, and the imposition of the embargo. In that context, it was asked why reference was made in the report to Kosovo and Metohija as regions that were "slow in ridding themselves from

some traditions and customs related to ensuring equality of men and women (CEDAW/C/YUG/SP.1, p. 12) and why the distinction was made on ethnic, religious and traditional grounds. The representative replied that those regions had been singled out not for the purpose of discrimination, but for special attention, as requested by the Committee at its tenth session.

13. The observation was made that the report did not address property the issues of violence against women. While information had been provided in the statement on the increasing daily aggression and violence against women in the Federal Republic of Yugoslavia (Serbia and Montenegro), such as physical violence, sexual abuse, verbal and/or physical coercion of women to sexual intercourse, sexual abuse of children, verbal and emotional abuse of women and children, harassment and intimidation of women at their places of work, economic abuse of women and children, there had been no information on the issue of rape as a weapon of war. Although reference to mass rapes used as means of warfare was included in reports of the Special Rapporteur of the Commission on Human Rights and in many press reports on the subject in the last two years, exact information and data on the subject would be essential to the Committee. The situation in which might prevailed over right and men used their power to return to such practices of the dark ages was shocking and required clarification as to the facts, figures and actions taken by the Government, if any, to bring the perpetrators to justice and assist the victims. One expert, however, did not share the view that such data would be important, but rather favoured the view that the focus should be on rehabilitation of and assistance to women victims. The remark was also made that the formulation in the oral report made by the representative that "aberrant and violent sexual behaviour is far from being characteristic of the war in the former Bosnia and Herzegovina alone; such behaviour has occurred in all known wars thus far" (CEDAW/C/SR.254) was unacceptable, as well as immoral and appalling.

14. The representative stated that the accusation of the use of mass rapes as a war weapon did not apply to her country at all because the Federal Republic of Yugoslavia was not engaged in the war in Bosnia and Herzegovina. She referred to the report of the Special Rapporteur, which confirmed the incidence of mass rapes but pointed to all parties in the conflict. Although incidents had happened in all war-torn areas, the evidence of ordered, systematic rapes was very weak, and the Federal Republic of Yugoslavia had strong evidence of Serbian women being raped by Croats and Muslims. She also stated that the issue of violations against women who had found refuge in the Federal Republic of Yugoslavia had been studied by the State Commission for War Crimes and the Crimes of Genocide and the Interdepartmental Group of the Federal Government involving all crucial ministries, non-governmental organizations and associations of citizens. She stated that her Government was willing to cooperate with all international fact-finding bodies. She also apologized for the sentence that might give the false impression that rape was considered, by the Government of the Federal Republic of Yugoslavia, normal behaviour in times of war and asked that it be seen in the context of the next paragraph, in the report which characterized rape clearly as a great breach of humanitarian law.

15. With regard to the concern expressed over the situation and the marginalization of detained women, incidents of unwanted pregnancy, numerous abortions, women dying during delivery, the dramatically declining birth rate, as well as increasing infection with AIDS, she pointed out the increased difficulties that influenced the status of women in the Federal Republic of Yugoslavia owing to the consequences of war in neighbouring Bosnia and Herzegovina, general shortages and the malfunctioning of medical services and supplies and the collapse of social structures as a result of the sanctions. Abortion was still used as a means of contraception. There was an increasing number of new-born children with AIDS. The risk of AIDS was particularly dangerous, especially in view of the lack of proper information, medicines and sexual education, especially among young people.

16. Asked about the data related to prostitution, policies in that respect and the increasing number of female prostitutes visible, even in neighbouring countries, the representative answered that prostitution was not a crime under the provisions of the Yugoslav Penal Code. Increased numbers of prostitutes, who were mainly women, but also young girls and boys, had started to practise "correct prostitution" as a result of the dramatic situation of the country and the lack of basic goods and prospects.

17. With regard to questions related to the situation of women and children refugees, the representative stated that the refugees from all neighbouring war-ridden areas were accepted by the society and individual families regardless of their ethnic origin, religion or nationality. This was also a policy of her Government. Referring to the question of the increased incidence of violence within the families that received the refugees, she stated that it had resulted from basic shortages and daily hardship and had nothing to do with the national or ethnic background of the refugees and the receiving families. Contrary to the image, the cultural differences between the nations of the former Yugoslavia were not so drastic, and those nations had lived in peace together for many years.

18. In conclusion, one expert said that the representative's statement that her country had nothing to do with the human rights violations in Bosnia and Herzegovina was not acceptable.

Notes

1/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 38 (A/48/38), chap. I, sect. B, para. 2.